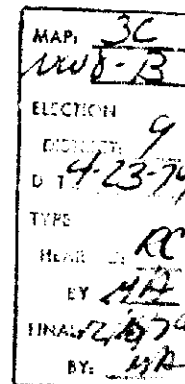


PETITION FOR ZONING RE-CLASSIFICATION
SPECIAL EXCEPTION AND/OR VARIANCE

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County, and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an D.R. 5.5 zone to an B.R. zone, for the reasons given in the attached statement; and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:



Property is to be posted and advertised as prescribed by The Baltimore County Code.

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser: Eugene P. Dolan
(Type or Print Name)
Signature: Eugene P. Dolan
Street or Box: Kathleen T. Dolan
City and State: Baltimore, Maryland 21209
Name and telephone number of legal owner, contract purchaser or representative to be contacted: Brian Dolan
City and State: Baltimore, Maryland 21209
Name: 383-4220 426-4047
Telephone No.

BARC-Form 1

RE: PETITION FOR RECLASSIFICATION : BEFORE THE COUNTY BOARD OF APPEALS
from D.R. 5.5 to B.R. Zone
E/S Falls Rd, 500' S Hollins Ln.
9th District : OF BALTIMORE COUNTY
EUGENE P. DOLAN, et ux, : Case No. R-80-70
Petitioners

ORDER TO ENTER APPEARANCE

To the Honorable, Members of Said Board:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
John W. Hessian, III
John W. Hessian, III
People's Counsel for Baltimore County
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 2nd day of October, 1979, a copy of the foregoing Order was mailed to Mr. and Mrs. Eugene P. Dolan, 6115 Falls Road, Baltimore, Maryland 21209, Petitioners; and Mr. Brian Dolan, 6503 Brook Avenue, Baltimore, Maryland 21206, Representative.

John W. Hessian, III

RECEIVED
BALTIMORE COUNTY
SEP 12 9 21 AM '79
COUNTY BOARD
OF APPEALS
BY: [Signature]

RE: PETITION FOR RECLASSIFICATION : BEFORE
from D.R. 5.5 to B.R.
E/S of Falls Road 500'
S. of Hollins Lane
9th District : COUNTY BOARD OF APPEALS
Eugene P. Dolan, et ux : OF
Petitioners : BALTIMORE COUNTY
No. R-80-70
(Item #7)

ORDER OF DISMISSAL

Petition of Eugene P. Dolan, et ux for reclassification from D.R. 5.5 to B.R., on property located on the east side of Falls Road 500 feet south of Hollins Lane, in the Ninth Election District of Baltimore County

WHEREAS, the Board of Appeals is in receipt of a letter of withdrawal of petition filed October 25, 1979 (a copy of which letter is attached hereto and made a part hereof) from the attorney representing the Petitioners in the above entitled matter.

WHEREAS, the said attorney for the said Petitioners requests that the petition filed on behalf of said Petitioners be withdrawn as of October 25, 1979.

IT IS HEREBY ORDERED this 31st day of October, 1979, that said petition be and the same is dismissed.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
Walter A. Reiter, Jr., Chairman
John A. Miller
Patricia Millhouser

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
A PROFESSIONAL ASSOCIATION
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204
October 25, 1979

Mr. Walter A. Reiter, Jr., Chairman
Baltimore County Board of Appeals
Room 219 - Court House
Towson, Maryland 21204

Re: Petition for DR 5.5 to BR;
E/S of Falls Road, 500' S of
Hollins Lane, 9th District
Eugene P. Dolan, et ux
Case No. R-80-70
Item No. 7

Dear Mr. Reiter:

My client, Eugene P. Dolan, et ux, desires to withdraw the above referenced Petition for Reclassification which was just scheduled for hearing on October 29.

Kindly advise should your respective offices need anything further to validate the withdrawal.

Very truly yours,
John B. Howard

JBH:eed
cc: Mr. Eugene P. Dolan

RECEIVED
BALTIMORE COUNTY
OCT 25 11 57 AM '79
COUNTY BOARD
OF APPEALS
BY: [Signature]

Deed Description and Purposes of Zoning Reclassification of the
Eugene P. & Kathleen T. Dolan

Beginning for the same at a point on or near the centerline of Old Falls Rd. said point being at or near the intersection of Old Falls Rd. & Falls Rd., said point being also South 500' from the intersection of Falls Rd. and Hollins Lane, thence North 1° 25' W 74.25' to a point in Falls Rd., thence South 5° 25' East 28.00' to a point, said point being on the East side of Old Falls Rd., thence running and binding on the East side of Old Falls Rd., North 0° 30' East 61.67' to a point, thence leaving the West side of Old Falls Rd. North 86° 45' East 167.58' to a point, thence North 0° 15' West 99.00' to a point thence North 76° 46' East, 286.50' to a point, thence South 45° 56' East 147.42' to a point, thence South 75° 05' West, 391.00' to a point, thence South 1° 05' East 78.66' to a point, thence South 85° 40' West 56.33' to a point thence South 86° 08' West 135.50' to the place of beginning, containing one and forty-five one-hundredths (1 45/100) acres of land more or less

Saving and excepting all that portion of the above described land and property that is currently zoned BR.

Memorandum for the reclassification of the Eugene P. & Kathleen T. Dolan Property.

Reasons for requesting the change

The zoning map of Baltimore County shows that the tract under consideration is presently zoned both B.R. and D.R. 5.5. The development of this tract is hampered by the unusual configuration of the property. It would be impractical to use the rear of the property (zoned D.R.) if the front (Zoned B.R.) is to be used commercially. No separate access to the rear of the tract exists; therefore, we feel that the present zoning map is incorrect. Also it is my understanding that an effort was made in the 1976 zoning map to correct situations where two different zones existed on an individual property; therefore, I feel that the rear of this property should have been rezoned by the 1976 map and that this constitutes an error.

Examples of neighborhood changes are listed below:

- Change in zoning of #2 Railroad Avenue. to B.R. for use as an office for a tree trimming company.
- Application pending for special exception for contractors storage yard at #2 Railroad Avenue.
- Change in use of 6117 Falls Road from residence to storage yard for tree trimming and residence.
- Change in use of 6117 A Falls Road for residence to antique shop for commercial beauty salon.

The above listed examples also indicate that there is an error in the existing zoning map.

Thank you for your consideration of this matter.

Very truly yours,
Eugene P. Dolan

ITEM NO. 7

PROPERTY OWNER: Eugene P. and Kathleen T. Dolan
LOCATION: E/S of Falls Road, 500' S. of Hollins Lane
ELECTION DISTRICT: 9
COUNCILMANIC DISTRICT: 2
ACREAGE: 0.95
GEOGRAPHICAL GROUP: None
RECOMMENDED DATE OF HEARING: Week of October 29, 1979
FUNCTIONAL CATEGORY: None

ZONING PRIOR TO ADOPTION OF 1976 COMPREHENSIVE ZONING MAP: D.R. 5.5
EXISTING ZONING: D.R. 5.5
REQUESTED ZONING: B.R.

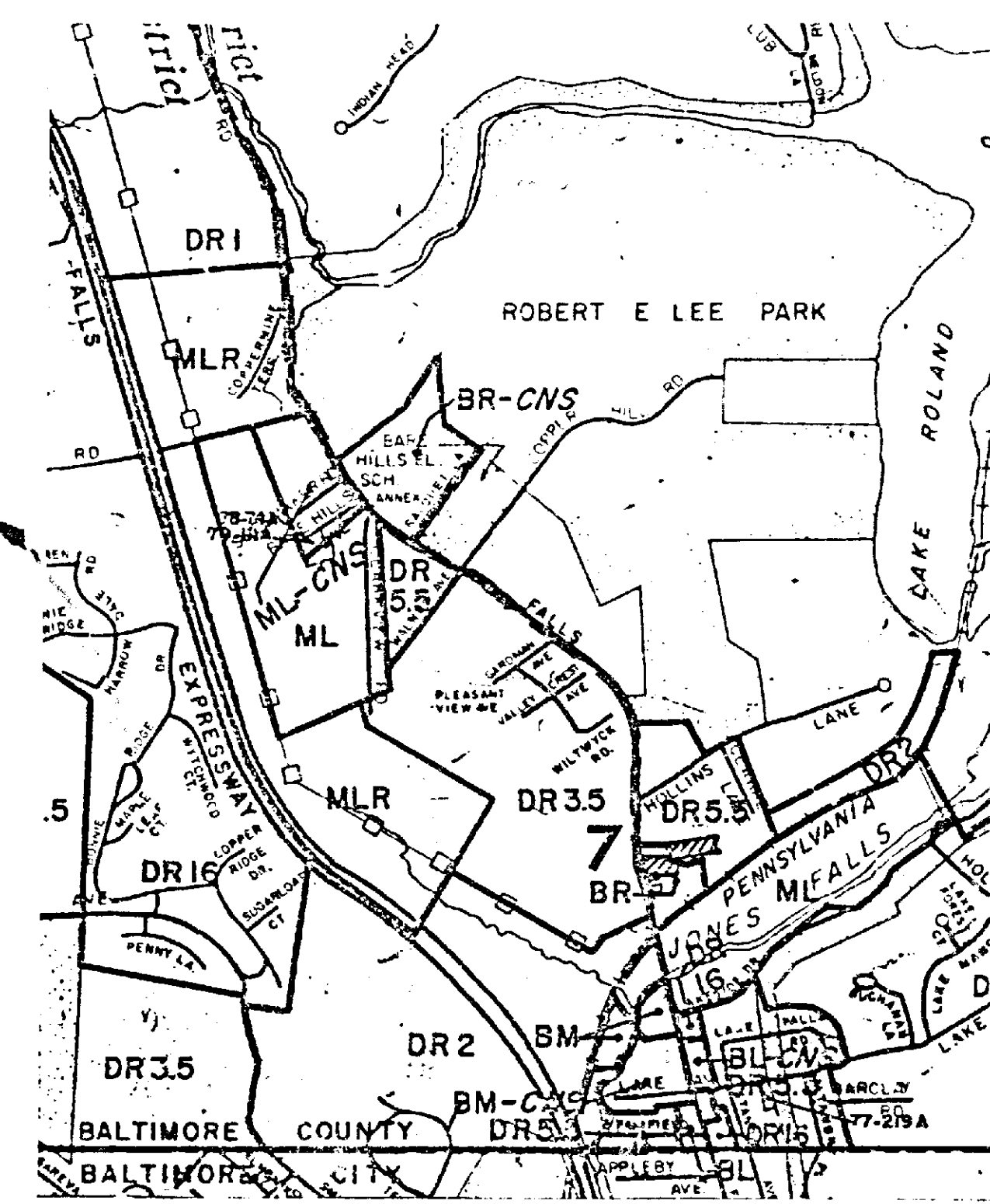
PLANNING BOARD RECOMMENDATION: Retain Existing Zoning (D.R. 5.5)

The subject parcel of land is the rear portion of a property on the east side of Falls Road; the front portion of the overall tract is zoned B.R., with the northernmost property line the division between the existing semi-detached dwelling and that of the neighboring property. Although B.R. zoned properties are located along this side of Falls Road, the majority of the land surrounding the subject parcel is zoned D.R. 5.5 and the predominant uses are residential.

Prior to the adoption of the 1976 Comprehensive Zoning Map, the subject property was zoned D.R. 5.5. The preparation and processing of this map covered a period of more than two years, the process was widely publicized and included numerous public hearings by both the Planning Board and the County Council. B.R. zoning was not requested nor was the aforementioned zoning proposed for the subject property during the entire process. Now the petitioner is requesting a change from D.R. 5.5 to B.R. zoning and has chosen not to submit plans showing a specific use proposed for the property under petition.

The Planning Board believes that the existing zoning is appropriate here and that the zoning map is correct. There are uses permitted in the B.R. zoning classification that would be out of character with the adjacent residential area. Further, it is the Board's opinion that such development would impinge upon the quality of these residential properties.

It is therefore recommended that the existing zoning, D.R. 5.5, be retained.



LOCATION OF PROPERTY UNDER PETITION
BASE MAP 3C
SCALE 1" = 1000'

JAN 20 1980

October 31, 1979

John S. Howard, Esquire
210 Allegheny Avenue
Towson, Md. 21204

Re: Case No. R-90-70
Eugene P. Dolan, et ux

Dear Mr. Howard:

Enclosed herewith is a copy of the Order of Dismissal passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Edith T. Eisenhart, Adm. Secretary

Encl.

cc: Eugene P. Dolan, et ux
John W. Hassler, III, Esquire
Mr. W. E. Hammond
Mr. J. E. Dyer
Mr. J. D. Seyffert
Mr. J. G. Maxwell
Board of Education
Mr. Brian Dolan

BALTIMORE COUNTY
ZONING PLANS
ADVISORY COMMITTEE



PETITION AND SITE PLAN
EVALUATION COMMENTS

Mr. & Mrs. Eugene P. Dolan
6115 Falls Road
Baltimore, Maryland 21209

cc: James D. Hicks, Surveyor
829 West Street
Annapolis, Maryland 21401

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Ave.
Towson, Maryland 21204

Your Petition has been received and accepted for filing
this 16th day of May 1979.

Eric Di Nenna
S. ERIC DI NENNA
Zoning Commissioner

Petitioner Dolan
Petitioner's Attorney

Reviewed by *Nicholas B. Commodari*
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

cc: Nicholas B. Commodari
Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

May 10, 1979

Mr. & Mrs. Eugene P. Dolan
6115 Falls Road
Baltimore, Maryland 21209

RE: Item No. 7 - Cycle V
Petitioner - Dolan
Reclassification Petition

Dear Mr. & Mrs. Dolan:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on-site field inspection of the property. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Located on the east side of Falls Road approximately 500 ft. south of Hollins Lane, the subject of this petition is currently zoned D.R. 5.5 and is proposed to be rezoned to B.R., which is the zoning of the remainder of the property. This B.R. zoned portion, which fronts on Falls Road, is presently improved with a semi-detached house, while properties immediately adjacent to the north and south are similarly zoned and are improved with a beauty salon and individual dwellings, respectively. The property under petition is abutted by vacant residential land to the north and east, while residential/commercial properties exist to the south. This latter commercial property was the subject of a previous zoning hearing (Case No. 79-147-XA) in which a Special Exception for a contractor's storage yard was denied and has been appealed.

Because the proposed use of the subject property was not indicated on the submitted site plan, it is impossible for this Committee to make detailed comments concerning this petition. If said petition is granted, it should be emphasized that all applicable Baltimore County requirements must be satisfied. In keeping with this and prior to application for the necessary building permits, your surveyor should submit a preliminary plan of the proposed development to be reviewed by this Committee.

Item No. 7 - Dolan
Page Two
May 10, 1979

This petition for Reclassification will be accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be between September 1 and December 31, 1979, will be forwarded to you well in advance.

Very truly yours,

Nicholas B. Commodari

NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC/sf

cc: James D. Hicks, Surveyor
829 West Street
Annapolis, Maryland 21401



baltimore county
department of public works
TOWSON, MARYLAND 21204

THORNTON M. MOURING, P.E.
DIRECTOR

May 2, 1979

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #7 (Cycle V-April - October 1979)
Property Owner: Eugene P. & Kathleen T. Dolan
E/S Falls Rd. 500' S. Hollins La.
Existing Zoning: DR 5.5
Proposed Zoning: BR
Acres: 1.45 District: 9th

Dear Mr. DiNenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Falls Road (Md. 25) and the adjacent portion of Old Falls Road are State Roads; therefore, all improvements, intersections, entrances and drainage requirements as they affect these roads come under the jurisdiction of the Maryland State Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

In accordance with the drainage policy, the Petitioner is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a suitable outfall.

Open stream drainage requires a drainage reservation or easement of sufficient width to cover the flood plain of a 100-year design storm. However, a minimum width of 50 feet is required.

Item #7 (Cycle V-April - October 1979)
Property Owner: Eugene P. & Kathleen T. Dolan
Page 2
May 2, 1979

Storm Drains: (Cont'd)

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Water and Sanitary Sewer:

There is a public 16-inch water main and 8-inch public sanitary sewerage in Falls Road. This sanitary sewerage also traverses this site, as indicated, (Drawing 73-0496, File 1). The Petitioner is cautioned that no encroachment by construction of any structure, including the footings, is permitted within County rights-of-way or utility easements. During the course of any construction and future operations on this site, protection must be afforded by the Contractor and/or Petitioner for this existing sanitary sewerage; any damage sustained would be the full responsibility of the Petitioner.

The nearest fire hydrant is located along the east side of Old Falls Road at Railroad Avenue.

Very truly yours,

Ellsworth N. Diver, P.E.
ELLSWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END:EAM:FWR:ss

cc: D. Grise
S. Bellestri
W. Munchel

C-SE Key Sheet
29 & 30 NW 7 Pos. Sheets
NW 8 B Topo
79 Tax Map



baltimore county
office of planning and zoning
TOWSON, MARYLAND 21204
(301) 454-3271

LESLIE H. GRAEF
DIRECTOR

May 29, 1979

Mr. Walter A. Reiter, Jr., Chairman
Board of Appeals
Room 219 - Court House
Towson, Maryland 21204

Dear Mr. Reiter:

Comments on Item #7, Zoning Cycle V, April 1979, are as follows:

Property Owner: Eugene P. & Kathleen T. Dolan
Location: E/S Falls Road 500' S. Hollins Lane
Existing Zoning: D.R. 5.5
Proposed Zoning B.R.
Acres: 1.45
District: 9th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

If the petition is granted a detailed site plan must be submitted to this office before any building permit applications will be approved.

Very truly yours,

John L. Wimbley
John L. Wimbley
Planner III
Current Planning and Development

JAN 2 1980

P-80-70

R-80-70

ITY

2-SIGNS

TOWSON MD October 11 1979

THE JEFFERSONIAN

A. Frank Shaffer
Mandor

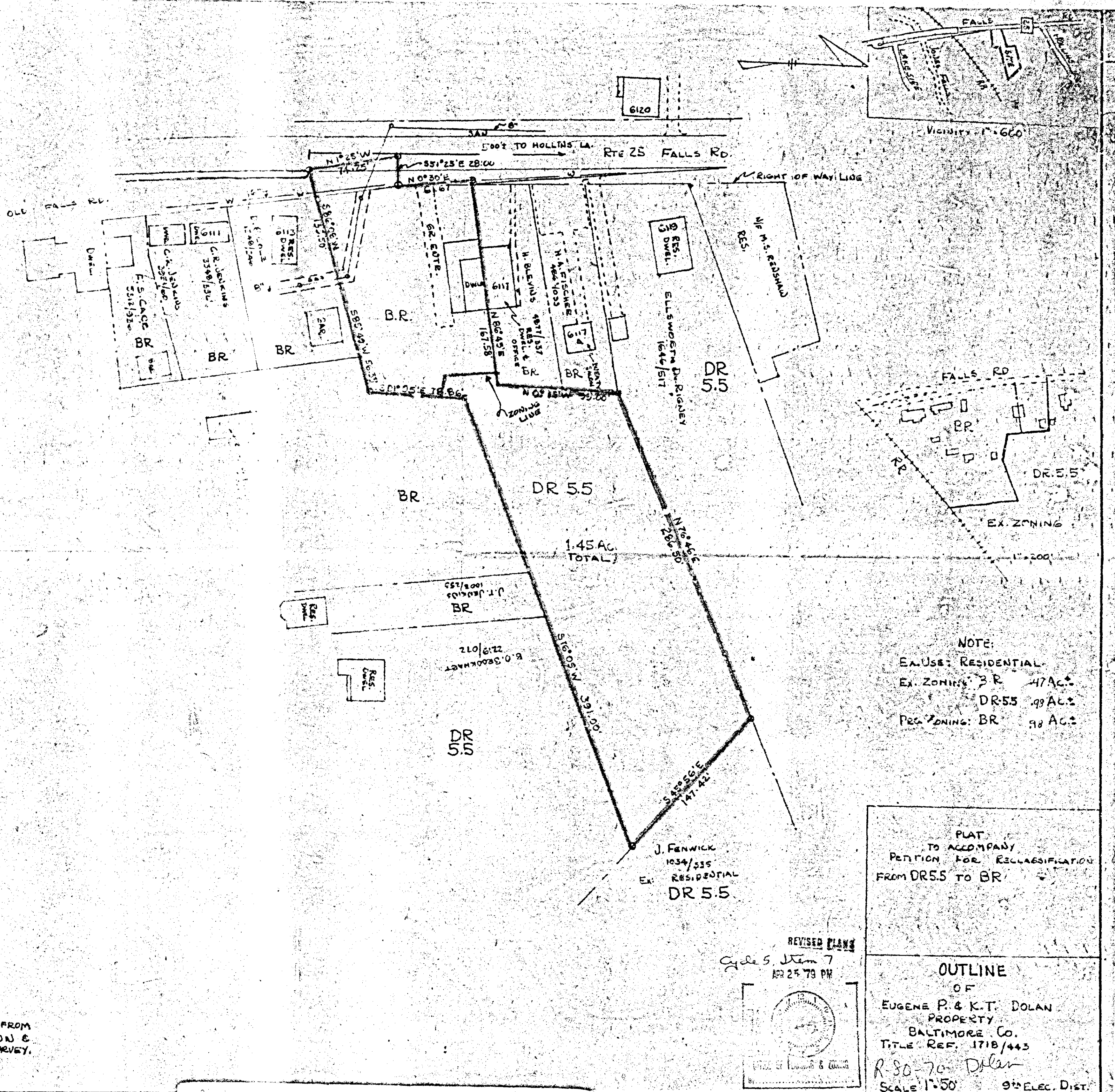
Being the property of Eugene P. Dolan, et ux, as shown on plat plan filed with the Zoning Department.
Hearing Date: Tuesday, October 30, 1979 at 10:00 A.M.
Public Hearing: Room 218, Courthouse, Towson, Md. 21204.
By Order of:
WALTER A. REITER, JR.,
Chairman
County Board of Appeals of
Baltimore County

VALIDATION OR SIGNATURE OF CASHIER

VALIDATION OR SIGNATURE OF CASHIER

Dr. *Esther L. Burges*

THIS PLAN WAS PREPARED FROM
TITLE & OTHER INFORMATION &
NOT BY AN ACTUAL FIELD SURVEY



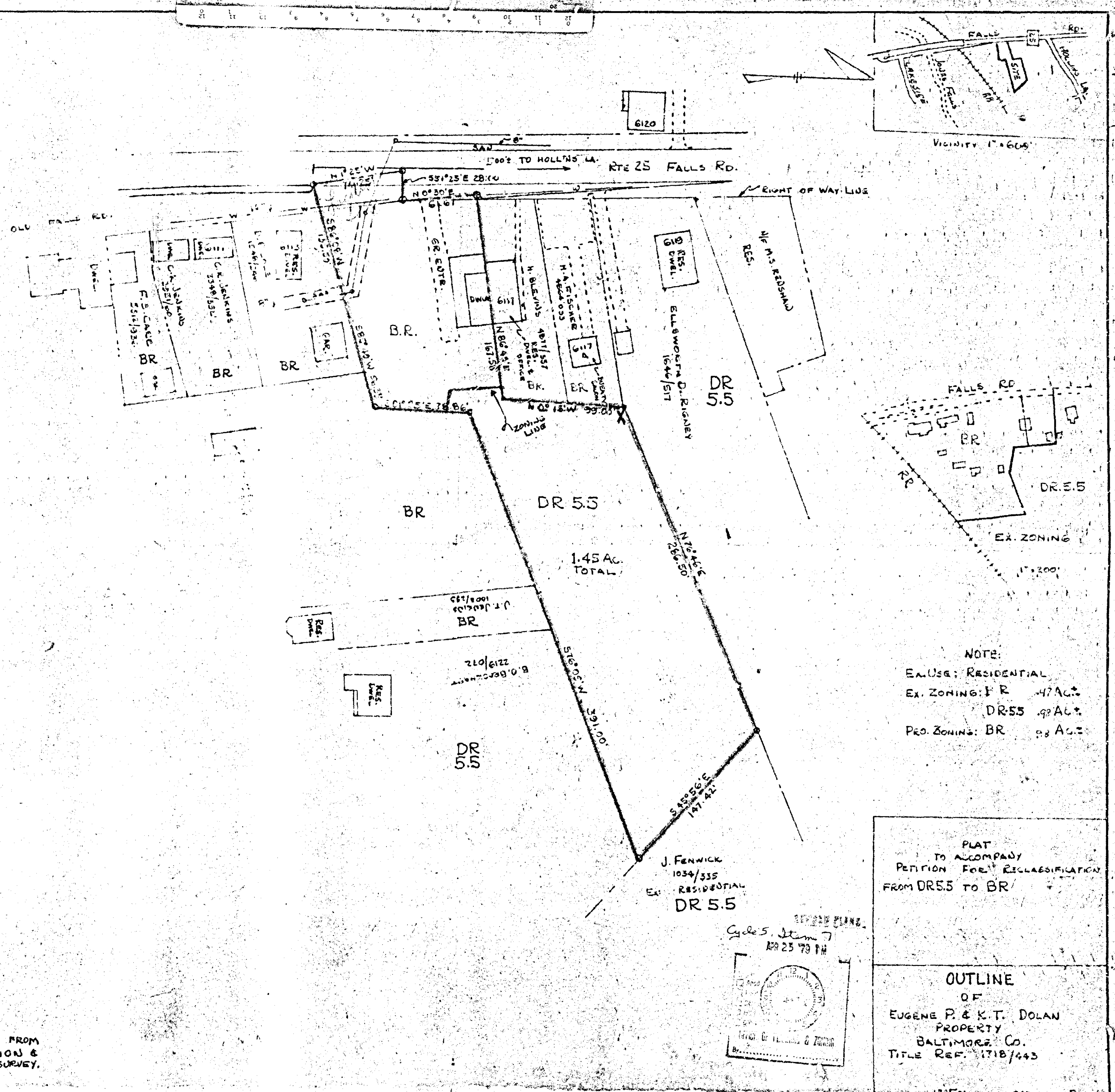
THIS PLAN WAS PREPARED FROM
TITLE & OTHER INFORMATION &
NOT BY AN ACTUAL FIELD SURVEY.

NOTE:
EX. USE: RESIDENTIAL
EX. ZONING: BR 47 AC.
DR 5.5 99 AC.
PRE. ZONING: BR 98 AC.

PLAT
TO ACCOMPANY
PETITION FOR RECLASSIFICATION
FROM DR 5.5 TO BR

OUTLINE
OF
EUGENE P. & K.T. DOLAN
PROPERTY
BALTIMORE CO.
TITLE REF. 1718/443
R 80-70- Diler
SCALE 1"=50' 9th ELEC. DIST.

REVISED PLANS
Cycle 5, Item 7
APR 25 1979 PM



THIS PLAN WAS PREPARED FROM
TITLE & OTHER INFORMATION &
NOT BY AN ACTUAL FIELD SURVEY.

NOTE:
EX. USE: RESIDENTIAL
EX. ZONING: BR 47 AC.
DR 5.5 99 AC.
PRE. ZONING: BR 98 AC.

PLAT
TO ACCOMPANY
PETITION FOR RECLASSIFICATION
FROM DR 5.5 TO BR

OUTLINE
OF
EUGENE P. & K.T. DOLAN
PROPERTY
BALTIMORE CO.
TITLE REF. 1718/443

REVISED PLANS
Cycle 5, Item 7
APR 25 1979 PM